

REMARKS

Claims 1-21 are pending with the entry of this amendment.

Claims 1-21 stand rejected.

New Claims 22-30 have been added.

Summary of the Rejection

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 4,972,463 to Danielson, et al. (“Danielson”) in view of U.S. Patent No. 6,084,528 to Beach, et al. (“Beach”).

Claims 1, 8 and 15 have been amended to clarify the relationship of the claimed point of sale system and method with real-time changes in data. Such amendments are not intended to limit or otherwise restrict the scope of the present invention as claimed in pending Claims 1-30.

The §103(a) Rejection based on Danielson in view of Beach

At paragraph 1 spanning pages 2 and 3 of the Office Action, the Examiner rejects Claims 1-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over Danielson in view of Beach.

The Applicant respectfully TRAVERSES the Examiner’s rejection and submits the following remarks in response.

Danielson contemplates a central management system for a point-of-sale network

wherein data from devices within a single facility may be transmitted via a single phone line to a central site (Col. 3, ll. 44-50). For example, Danielson appears to disclose a system comprising a communications unit 20 that is coupled with individual devices 21A-N such as ATM machines or POS terminals (Figures 1 and 2; Col. 3, ll. 20-35 and 63-67). At each facility location in the network, a facility's respective communication unit 20 controls the flow of data from individual devices 21A-N, buffers the data until a dedicated communication channel 24 is ready, and responds to a distributed processor poll from a central site 30 by sending the buffered information (Figure 2; Col. 5, ll. 15-21). The unit 20 performs all of the message buffering and queuing of the devices 21A-N, the protocol conversion to and from the devices, error control, data editing and assembly, and message control for routing purposes (Figure 2; Col. 5, ll. 23-30). The central management system of Danielson may continually poll the units 20 in the system for an interrupt signal 42 provided by a unit 20. The interrupt signal 42 is generated by the unit 20 once a block or message is loaded into the memory buffer of the unit 20 (Figures 2 and 4; Col. 5, ll. 54-62). Once an interrupt signal is detected by a poll, buffered data from an in store unit 20 is transmitted to the central site (Figures 2 and 4; Col. 5, line 63 – Col. 6, line 13).

Thus, the Danielson patent appears to require an elaborate software and hardware based point-of-sale network where information is stored locally in the communication unit 20. A retailer or central site 30 in Danielson must poll the network on a regular basis and download data from each in-store unit 20 on a dedicated telecommunication line upon acquisition of the interrupt 42. Because of the polling operation and dedicated

communication line, Danielson suffers from bandwidth issues that prevent integration of individual retail store data with enterprise wide data in real-time to permit real-time changes to such data. The Examiner acknowledges the deficiencies of Danielson on page 3 in the rejection; however, Beach does not supplement these deficiencies and the examiner improperly relies on the teachings of the Beach patent. Thus, any rejection of Claims 1, 8 and 15, as amended, predicated upon Danielson is improper.

Beach contemplates a portable data terminal and communications system for providing information over a wireless network using the portable data terminal. Specifically, Beach discloses a wireless bar code reader having a touch-screen CGA or VGA type video display (Figures 2-5; Col. 5, ll. 25-45). The wireless reader communicates with a network 16 through a central host 14 and access points 13A-B (Figure 1; Col. 5, ll. 50-59). Data collected by the central host 14 is processed locally and to the extent the data requires a response, the central host 14 processes information and retransmits data to the wireless readers. In the event the reader's request requires data not stored on the central host 14, the central host 14 retrieves data from external sources or servers 40, 50 through a WAN 30 or the Internet (Figure 1; Col. 6, ll. 1-9). Thus, the invention of Beach is directed to a wireless bar code reader that, upon scanning a product or item, provides product information such as price, product name, nutritional information and video or audio advertisements with regard to the product or to user preferences stored in the central host or in an external source (Col. 7, line 66 – Col. 8, line 13 and Col. 9, ll. 9-55). Beach contemplates providing information to the reader from the central host or external sources that is not product specific such as video clips

from media and news sources (Col. 10, ll. 1-10).

The Beach patent, while not limited to the polling operation and dedicated communication line problems of Danielson, contemplates providing a user of a wireless reader with product, advertisement, and/or entertainment information via a WAN/LAN or the Internet and appears not to possess bandwidth problems; however, there is no disclosure, teaching or suggestion in Beach of permitting real-time changes to inventory data responsive to a point of sale operation at a remote facility and Beach cannot supplement the deficiencies of Danielson in this regard.

Thus, neither Danielson nor Beach, alone or in combination, teach, suggest or disclose each and every element of Claims 1, 8 and 15, as amended. Reconsideration and withdrawal of the rejection of Claims 1, 8 and 15 are hereby respectfully solicited.

Claims 2-7, 9-14 and 16-21 are dependent upon independent Claims 1, 8 and 15, respectively. Claims 1, 8 and 15 are in condition for allowance. Irrespective of the additional patentable limitations contained therein, reconsideration and withdrawal of the rejection of Claims 2-7, 9-14 and 16-21 are hereby solicited.

New Claims 22-30 have been added. Claims 22-23, 24-25 and 26-27 are dependent upon independent Claims 1, 8 and 15, respectively. Claims 1, 8 and 15 are in condition for allowance. Consideration and allowance of Claims 22-27 are hereby solicited. With reference to the discussion above, neither Danielson nor Beach disclose, teach or suggest each and every element, alone or in combination, of Claims 28-30. Consideration and allowance of Claims 28-30 are hereby solicited.

Applicant submits that the subject application is in condition for allowance.

Applicant respectfully requests that the Office issue a Notice of Allowance.

Respectfully submitted,

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**November 19th was a Saturday.*

EBC